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**TRANSMITTAL  
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(to be used for all correspondence after initial filing)

|   |                             |                            |              |
|---|-----------------------------|----------------------------|--------------|
| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | <b>Application Number</b>   | 10/068,471                 |              |
|   | <b>Filing Date</b>          | February 4, 2002           |              |
|   | <b>First Named Inventor</b> | Malcolm Lovell HANDEL      |              |
|   | <b>Group Art Unit</b>       | 1646                       |              |
|   | <b>Examiner Name</b>        | To Be Assigned             |              |
| <b>Total Number Of Pages In This Submission</b>   | 8 PLUS 52<br>REFS           | <b>Attorney Docket No.</b> | 529282000400 |

**ENCLOSURES (check all that apply)**

|   |  |   |
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| <input type="checkbox"/> Fee Transmittal Form                                   | <input type="checkbox"/> Assignment Papers<br>(for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group   |
| <input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences   |
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| <input type="checkbox"/> Affidavits/declarations                                | <input type="checkbox"/> Petition to Convert to a Provisional Application                  | <input type="checkbox"/> Status Letter  |
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| <input type="checkbox"/> Express Abandonment Request                            | <input type="checkbox"/> Terminal Disclaimer   | <ul style="list-style-type: none"><li>• Form PTO-1449 – 4 pages</li><li>• 52 References</li><li>• Return receipt postcard</li></ul> |
| <input checked="" type="checkbox"/> Information Disclosure Statement – 3 pages  | <input type="checkbox"/> Request for Refund  |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                 | <input type="checkbox"/> CD, Number of CD(s) _____   |   |
| <input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application   | <b>Remarks</b>   |   |
| <input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 |  |   |

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

|                                |  |
|--------------------------------|--|
| <b>Firm or Individual Name</b> | Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304 |
| <b>Signature</b>               | Gladys H. Monroy   |
| <b>Date</b>                    | February 10, 2003  |

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PATENT  
Docket No. 529282000400

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Malcolm L. HANDEL et al.

Serial No.: 10/068,471

Filing Date: February 4, 2002

For: TREATMENT OF INFLAMMATORY  
AND MALIGNANT DISEASES

Examiner: To Be Assigned

Group Art Unit: 1646

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of      is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of      is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

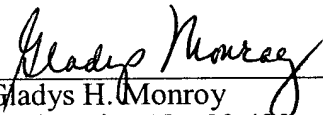
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

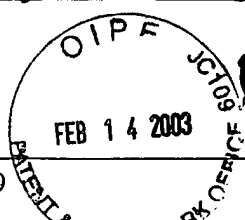
In the unlikely event that the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and

authorize the Assistant Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 529282000400. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: February 10, 2003

Respectfully submitted,

By:   
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PTO/SB/08 (2-92)  
Sheet 1 of 4

|  |                                       |                               |
|--|---------------------------------------|-------------------------------|
| Form PTO-1449<br><b>INFORMATION DISCLOSURE CITATION<br/>IN AN APPLICATION</b><br>(Use several sheets if necessary) | Docket Number 529282000400            | Application Number 10/068,471 |
|  | Applicant<br>Malcolm L. HANDEL et al. |                               |
|  | Filing Date February 4, 2002          | Group Art Unit 1646           |
|  | Mailing Date February 10, 2003        |                               |

## U.S. PATENT DOCUMENTS

| Examiner<br>Initials | Ref.<br>No. | Date | Document No. | Name | Class | Subclass | Filing Date If<br>Appropriate |
|----------------------|-------------|------|--------------|------|-------|----------|-------------------------------|
|                      |             |      |              |      |       |          |                               |

## FOREIGN PATENT DOCUMENTS

| Examiner<br>Initials | Ref.<br>No. | Date       | Document No.   | Country | Class | Subclass | Translation<br>YES NO |  |
|----------------------|-------------|------------|--|---------|-------|----------|-----------------------|--|
|                      | 1.          | 08/25/1992 | JP 4235919<br><u>Esp@ce</u><br>summary of<br>document located<br>at<br>< <a href="http://gb.esp@ce.net.com">http://gb.esp@ce.net.com</a> > | Japan   |       |          |                       |  |
|                      | 2.          | 06/06/1996 | WO 96/17086  | WIPO    |       |          |                       |  |
|                      | 3.          | 11/05/1998 | WO 98/49346  | WIPO    |       |          |                       |  |
|                      | 4.          | 10/07/1999 | WO 99/50452  | WIPO    |       |          |                       |  |
|                      | 5.          | 02/24/2000 | WO 00/09672  | WIPO    |       |          |                       |  |
|                      | 6.          | 02/24/2000 | WO 00/09673  | WIPO    |       |          |                       |  |
|                      | 7.          | 07/20/2000 | WO 00/42173  | WIPO    |       |          |                       |  |

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## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

| Examiner<br>Initials | Ref.<br>No. | Title  |
|----------------------|-------------|--|
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|                      | 9.          | Böhrer, H. et al. (1997). "Role of NF $\kappa$ B in the Mortality of Sepsis," <i>J. Clin. Invest</i> 100(5):972-985.   |
|                      | 10.         | Breaker, R.R. and Joyce, G. F. (1994). "A DNA Enzyme with Mg <sup>2+</sup> - Dependent RNA Phosphoesterase Activity," <i>Chemistry and Biology</i> 2(10):655-660.                |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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PTO/SB/08 (2-92)

Sheet 2 of 4

Form PTO-1449

# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

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Docket Number 529282000400

Application Number 10/068,471

Applicant

Malcolm L. HANDEL et al.

Filing Date February 4, 2002

Group Art Unit 1646

Mailing Date February 10, 2003

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Sheet 3 of 4

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Docket Number 529282000400

Application Number 10/068,471

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**

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Applicant

Malcolm L. HANDEL et al.

Filing Date February 4, 2002

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Applicant

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